

Brooklyn, N. Y., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about November 17, 1933, from the State of New York into the State of New Jersey, of a quantity of candy which was misbranded. The article was labeled in part: "Lillian Clare Chocolates New York Special Assorted Chocolates 1 Lb. Net."

The article was alleged to be misbranded in that the statement, "1 Lb. Net.", borne on the label, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the packages contained less than 1 pound. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On December 21, 1934, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23948. Adulteration and misbranding of butter. U. S. v. Olathe Creamery & Produce Co. Plea of guilty. Fine, \$25 and costs. (F. & D. no. 33779. Sample no. 69025-A.)**

This case was based on an interstate shipment of butter that contained less than 80 percent by weight of milk fat.

On October 5, 1934, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Olathe Creamery & Produce Co., a corporation, Olathe, Kans., alleging shipment by said company in violation of the Food and Drugs Act, on about March 27, 1934, from the State of Kansas into the State of Missouri, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: "Olathe Creamery Butter Olathe Creamery Co."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as required by the act of Congress of March 4, 1923.

Misbranding was alleged for the reason that the statement "Butter", borne on the carton label, was false and misleading and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article was butter, i. e., a product containing not less than 80 percent by weight of milk fat as required by law; whereas it was not butter as so required, but was a product containing less than 80 percent by weight of milk fat.

On December 3, 1934, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$25 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23949. Misbranding of honey. U. S. v. Preserves & Honey, Inc. Plea of guilty. Fine, \$30. (F. & D. no. 33792. Sample no. 66981-A.)**

Sample jars of honey taken from the shipment involved in this case were found to contain less than 8 ounces, the weight declared on the label.

On November 20, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Preserves & Honey, Inc., trading at New York, N. Y., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about August 15, 1933, from the State of New York into the State of New Jersey, of a quantity of honey which was misbranded. The article was labeled in part: "H & H Pure Honey 8 Ounces net wt. Preserves & Honey, Inc. New York."

The article was alleged to be misbranded in that the statement "8 ounces net wt.", borne on the jar label, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the jar contained less than 8 ounces of the article. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On November 22, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$30.

M. L. WILSON, *Acting Secretary of Agriculture.*